

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-10581 NMG

YVETTE LOCKHART-BEMBERY, )  
Plaintiff )  
VS. )  
TOWN OF WAYLAND POLICE DEPARTMENT, )  
ROBERT IRVING, in his capacity as CHIEF OF THE )  
WAYLAND POLICE DEPARTMENT and )  
DANIEL SAURO )  
Defendants )

MOTION OF DEFENDANTS' IN LIMINE TO  
EXCLUDE ANY REFERENCES TO RACE AND/OR RELIGION  
AS A REASON FOR THE DEFENDANTS' ACTIONS

The defendants in the above-referenced case hereby move, *in limine*, to request this Court to instruct the plaintiff and her counsel not to suggest to the jury that race and/or religion was a motivating factor in this action.

In support thereof, the defendants state as follows:

1. The plaintiff was driving on Route 30 in the Wayland/Natick line on February 6, 2002 when her car broke down.
2. The defendant, Sergeant Daniel Sauro of the Wayland Police Department responded to a dispatch of a woman slumped over the wheel.
3. Upon arrival, Sergeant Sauro observed the plaintiff sitting inside a vehicle, which she stated had broken down. Sergeant Sauro began to direct traffic. Sergeant Sauro suggested that the plaintiff try to roll her vehicle a few feet back off the road to allow traffic to get by. The plaintiff attempted to roll her vehicle but failed to get the car further off the roadway. As a result, Sergeant Sauro told her to leave the car and wait for the AAA wrecker. The plaintiff ignored Sergeant Sauro and continued to push her

car in an attempt to get it off the road. As a result, the plaintiff lost control of the vehicle and was injured as it rolled down the hill.

4. During this entire interaction, Sergeant Sauro never made any remarks, which were race or religious related.

5. The discovery in this case has produced absolutely *no* evidence of any race or religion – related reasons for the actions of any defendants.

6. The plaintiff apparently wants to improperly suggest to the jury that they should find that she was treated differently in this case because she is African American or “appeared” (apparently due to some type of head covering) to be a Muslim.

7. There is absolutely no factual basis in any of the evidence derived in this case from which the plaintiff can point to that she was treated differently, by the defendants, because she is African American or because she “appeared” (the plaintiff’s words in her pleadings) to be a Muslim because was wearing some type of head covering.

8. The defendants suggest that they will be greatly prejudiced if the plaintiff and/or her counsel were allowed to improperly mention any of these allegations in light of the fact that there is absolutely no evidence to support it.

WHEREFORE, the defendants ask this Court to Order the plaintiff and her counsel to not suggest that race and/or religion was a reason for the actions of the defendants.

Respectfully submitted,  
The Defendants,  
By their attorneys,

/s/ Jeremy Silverfine  
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